

## **FEDERAL GUIDANCE ON SERVING LIMITED-ENGLISH-PROFICIENT INDIVIDUALS**

November 2000

In August 2000, the President signed an executive order requiring federal agencies to issue guidance clarifying the requirements of Title VI with regard to serving Limited-English-Proficient (LEP) individuals. A copy of the executive order can be found in the August 16, 2000 issue of the Federal Register. On August 30, the U.S. Department of Health and Human Services (HHS) issued such guidance. The Guidance is available in the August 30, 2000 Federal Register.

The LEP Guidance does not impose new rules regarding serving LEP individuals; however, it provides clarification of existing requirements of Title VI related to nondiscrimination on the basis of national origin. The Guidance reviews background statutes and legal precedents and covers the basic requirements of Title VI. The description of the basic requirements of Title VI includes how to ensure meaningful access to LEP persons, development of a written policy on language access, translation of written materials, methods for providing notice to LEP persons that they are entitled to language assistance free of charge, training of staff, and monitoring of such programs. HHS describes how they will assess entities' success in ensuring meaningful access, including the proposition of "safe harbor" rules for translating vital documents, which, if followed, would result in no findings by HHS. The Guidance cautions recipients in the importance of ensuring that any interpreters used to assist LEP persons are competent and cautions against the use of family members and especially minors.

The Guidance provides some examples of frequently-encountered policies and practices that would be a violation of Title VI as well as some promising practices that can be adopted by recipients as successful models for serving LEP persons in compliance with Title VI. A description of the components of a model plan is included in the Guidance. This can be used to assist recipients in planning for service of LEP persons. Finally, the Guidance discusses how HHS plans to enforce compliance with Title VI.

In the delivery of services to refugees, the LEP Guidance is particularly important since many refugees' primary language is other than English. The examples in the Guidance can be helpful to refugee programs in that they describe situations in which LEP persons (often refugees) find themselves seeking benefits and services and needed interpreters. One example describes a janitor with limited English skills being used by the welfare office as an interpreter. Another example describes a Health Maintenance Organization's requirement that a LEP client bring her own interpreter during all office visits.

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Refugee programs must ensure that LEP persons have meaningful access to services. That can happen through the use of competent and professional interpreters (either paid or volunteer), use of translated documents, and training of staff to ensure consistency in the application of policies and procedures for serving LEP persons.

For further information, contact your county's Civil Rights Coordinator or the CDSS Civil Rights Bureau at (916) 654-2107.